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JURY AWARDS PORT OF SEATTLE WHISTLEBLOWERS \$16M FOR WRONGFUL TERMINATION

Former Sea-Tac employees claimed Commissioner John Creighton retaliated against whistleblowers. Jury agrees.

SEATTLE – December 1, 2017. The Port of Seattle must pay more than \$16 million to two former Port employees who were wrongfully terminated for refusing to break the law and reporting government misconduct a King County jury found yesterday.

The evidence established that the Port fired them at the urging of Port Commissioner John Creighton after they refused to extend preferential airport restaurant leases to his friends and campaign donors.

The Port fired Deanna Zachrisson and Elaine Lincoln in August 2015. The women were leaders of Seattle-Tacoma International Airport's Dining and Retail group – an award-winning program at one of the nation's fastest growing airports. Zachrisson and Lincoln refused to violate FAA regulations and reported Creighton for ethics violations. In Thursday's decision, the jury awarded \$7,614,243 to Zachrisson and \$8,897,099 to Lincoln.

"Our community needs more employees who refuse to stay silent and will stand up for the law," Zachrisson said. "We hope this verdict will encourage others in powerful organizations to speak up when they see something that is not right.

Earlier, the jury found the two employees were retaliated against for their actions as whistleblowers. The women contended that Commissioner Creighton pressured them to extend preferential airport restaurant leases to friends and campaign donors. When they refused, he conducted a search of their work emails and demanded that they be fired for a handful of emails he found and claimed were disrespectful and "racist". The Port's investigation found no evidence of racial bias. Nevertheless, Creighton posted about the women's emails on Twitter and promised to "clean house." He also worked to publicize the story. The women testified they were mortified when they were publicly and wrongfully accused of racism by Commissioner Creighton.

The Port's investigator warned that Commissioner Creighton's decision to search their email for misconduct warranted further investigation as it appeared to be retaliatory. However, under the glare of negative publicity about allegedly "racist emails" the Port ended its investigation and fired Zachrisson and Lincoln within two weeks. Both women had 15 years of outstanding performance reviews with the Port and a complete lack of prior disciplinary history.

Commissioner Courtney Gregoire testified at the trial. She confirmed that Creighton said he had searched their emails because he suspected the two staffers of filing ethics complaints against him and harbored animosity toward them for their "pushback" on his agenda. Another witness testified that former Port CEO Ted Fick acknowledged he was under pressure by members of the Port Commission to terminate Zachrisson and Lincoln.

Creighton lost his bid for reelection in November.

“Now that the voters have spoken and the jury has spoken, we hope that the Port of Seattle will take a hard look at their responsibility and fix the broken system that led to the firing of two dedicated, excellent, and valued employees,” Lincoln said.

The former employees were represented at trial by Beth Bloom and Christie Fix of Frank Freed Subit & Thomas LLP and Liz Quick of the Quick Law Group PLLC.

“The verdict is a tremendous victory for our community and for our clients who courageously refused to turn away when they saw the abuses of power taking place at the Port,” Bloom said. “Employers have a duty to protect employees from retaliation. Other employers should take this verdict to heart.”

The trial team expressed appreciation for the careful consideration of the jurors who stayed committed to the 7-week trial in King County Superior Court. “We believe in the jury system.” Quick said. “It is one of the last vestiges of fairness, equality and due process. Of the three branches of government, only the judicial system -- with jurors as the conscience and voice of the community -- is immune from big money and powerful influences.”

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